

# EXHIBIT 16

**In the Matter Of:**

**WASHINGTON -against- WALGREENS**

17-cv-2393(JMF)

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**CIERA WASHINGTON**

*May 14, 2018*

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*Non-Confidential*



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1 C. Washington

2 MR. WARSHAW: Mark this  
3 Washington Exhibit 8.

4 (Employee Handbook was  
5 marked as Washington  
6 Exhibit 8 for  
7 identification.)

8 Q. Ms. Washington, you have been  
9 handed a document marked as Washington  
10 Exhibit 8. It bears Bates stamp DR 35  
11 through DR 84.

12 It is a lengthy document, but I  
13 will just ask you to look at the first  
14 page, if you would, the first few pages.

15 (Witness complies.)

16 Q. Have you ever seen this document  
17 before, either in paper or electronic  
18 format?

19 A. I don't recall at this time.

20 Q. I will just note for the record  
21 at the bottom of the page it states "Duane  
22 Reade Employee Handbook updated 9/1/2013."

23 Do you see that?

24 A. Yes.

25 Q. If you flip to the first page,

1 C. Washington

2 actually the cover page, do you see someone  
3 has handwritten 2013 to 2015 at the top of  
4 document?

5 Do you see that?

6 A. Yes.

7 Q. Do you recall at any point during  
8 your employment at Duane Reade receiving a  
9 copy of the company handbook either in  
10 electronic or written format?

11 A. I don't recall at this time.

12 Q. Do you recall receiving any type  
13 of training regarding Duane Reade's  
14 employee handbook?

15 A. I don't recall at this time.

16 Q. Can you turn to page 2, the  
17 second page of the document, and do you see  
18 in the second paragraph it states, "As a  
19 new employee you will be on 30, 60, 90 days  
20 probation depending on the position you  
21 hold. During this period you will be  
22 evaluated to see if your work performance  
23 meets the guidelines of the company  
24 standards. Should you not meet these  
25 guidelines your employment may be

1 C. Washington

2 MS. MORRISON: Objection.

3 A. I am African-American, black.

4 Q. What is your national origin?

5 A. What exactly do you mean by that?

6 Q. How do you identify your national  
7 origin, if at all?

8 A. African-American, black.

9 MS. MORRISON: You have to speak  
10 up.

11 A. African-American, black.

12 Q. What is Mr. Guerrero's race?

13 MS. MORRISON: Objection.

14 A. Hispanic.

15 Q. Do you know what his national  
16 origin is?

17 A. No.

18 Q. What is Germaine Allen's race?

19 MS. MORRISON: Objection.

20 A. I don't recall at this time.

21 Q. Do you know what Mr. Allen's  
22 national origin is?

23 A. At this time, I don't recall.

24 Q. What is Ms. Beckrum's race?

25 MS. MORRISON: Objection.

1 C. Washington

2 A. She is Hispanic.

3 Q. Do you know what her national  
4 origin is?

5 A. At this time, I don't recall.

6 Q. When did you first start having  
7 issues with Mr. Guerrero?

8 A. Approximately a few weeks till  
9 when I started.

10 Q. Can you describe those issues to  
11 me?

12 A. He began to say racial slurs and  
13 different things to me about the type of  
14 food he was eating, that because of my  
15 color, black people don't know about  
16 Spanish food, and home cooked Spanish food  
17 is not same thing a store bought Spanish  
18 food.

19 He would do little things that  
20 would make me feel uncomfortable about my  
21 skin color, say things about me being  
22 black.

23 Q. Do you recall anything specific  
24 that he said other than what you talked  
25 about with food?

1 C. Washington

2 A. There was a lot different  
3 specific things he said. Specifically, as  
4 far as me being black and I have no idea  
5 about Spanish people, not just their food,  
6 their origin and what they eat. And black  
7 people don't know -- have the same  
8 basically racial situation as Spanish  
9 people.

10 Q. Do you recall anything else that  
11 he said?

12 A. At this time, I don't recall  
13 anything else.

14 Q. When he made these comments, were  
15 you on the floor, were you in the back  
16 room?

17 A. We were in the room together.

18 Q. In what room?

19 A. The office.

20 Q. Did he ever make any comments to  
21 you in a location other than the office?

22 A. No, but it was around others in  
23 the office.

24 Q. Who were those others?

25 A. Dimitri was there one time. And

1 C. Washington

2 please?

3 Q. Sure.

4 Other than what's in your  
5 complaint and what you just described, are  
6 you aware of any other comments that  
7 Mr. Guerrero made that you would view as a  
8 slur or inappropriate?

9 A. No.

10 Q. When Mr. Guerrero made these  
11 comments, did you say anything to him in  
12 response?

13 A. Yes.

14 Q. What did you say?

15 A. That just because I am black  
16 doesn't mean I don't know about Spanish  
17 food. And I also replied that I do eat  
18 Spanish food.

19 I complained to him about that's  
20 basically discriminating against me, you  
21 shouldn't say things like that, racial  
22 slurs about me because I am black, I don't  
23 know about Spanish food. I complained to  
24 him and it just went in one ear and out the  
25 other.



1 C. Washington

2 Q. Why did you view that as a slur?

3 A. Because he made it clear to me  
4 that because I was black, I had no clue  
5 about Spanish food.

6 Q. Do you recall anything else that  
7 you said to him or that he said to you in  
8 response to your complaints?

9 A. Besides him laughing and taking  
10 it as a joke, I don't recall at this time.

11 Q. At the time that you were working  
12 underneath Mr. Guerrero, did you complain  
13 to anybody else about his comments?

14 A. Vivian.

15 Q. Do you recall when you complained  
16 to Vivian?

17 A. At this time, I don't recall  
18 exactly when, but it was after it was said.  
19 Directly after the comment was said, once  
20 Mr. Guerrero took it as a joke.

21 Q. Did you complain to her in  
22 person, over the phone, in an e-mail?

23 A. Over the phone.

24 Q. Just so I am clear, it is Vivian  
25 Ghobrial; is that right?

1 C. Washington

2 A. Human resources. I don't know  
3 her last name.

4 Q. Prior to your speaking to  
5 Ms. Ghobrial over the phone, had you had  
6 any communications with her?

7 A. For human resources things, yes.

8 Q. So you are aware that she was  
9 your HR rep; is that fair to say?

10 A. Yes.

11 Q. What did Vivian say to you and  
12 what did you say to her when you spoke to  
13 her on the phone?

14 MS. MORRISON: Objection.

15 A. I explained to her how I felt and  
16 why I was upset. And, of course, pretty  
17 much Vivian brushed it off and ignored my  
18 comments because nothing was done.

19 Q. Why do you say "of course"?

20 A. I don't understand the question.  
21 What do you mean?

22 Q. When you said of course Vivian  
23 brushed it off?

24 A. Because -- I mean nothing was  
25 done when I verbally complained about it,

1 C. Washington

2 so there was no action for Luis, there was  
3 nothing done. It was like my complaint  
4 just went out the window.

5 Q. Do you know whether Vivian spoke  
6 to Mr. Guerrero in response to your call?

7 A. I don't recall at this time. I  
8 don't know.

9 Q. I am asking do you know now?

10 A. I don't know.

11 Q. Did Vivian say anything to you in  
12 response during the call?

13 A. She pretty much brushed it off.

14 Q. What specifically did she say, do  
15 you recall?

16 A. "Maybe you shouldn't take it like  
17 that." You know, she just made it seem  
18 like I shouldn't be upset about what I was  
19 upset about.

20 Q. Did she say anything else?

21 A. I don't recall at this time.

22 Q. Did you have any other  
23 conversations with Ms. Ghobrial about  
24 Mr. Guerrero other than this call?

25 A. I don't recall at this time.

1 C. Washington

2 Q. Did you have conversations with  
3 anyone other than Ms. Ghobrial about  
4 Mr. Guerrero?

5 A. Besides him?

6 Q. Besides him.

7 A. I complained to another  
8 co-worker, and that was it.

9 Q. Who was the co-worker?

10 A. Joel.

11 Q. What did you say to Joel?

12 A. What Luis said to me.

13 Q. What, if anything, did Joel say  
14 to you?

15 A. It was more so a shock reaction.

16 Q. Is Joel a man or woman?

17 A. He is a man.

18 Q. Did Joel say why he was shocked?

19 A. He told me that was very nasty  
20 and rude for him to say any of that to me.  
21 And that's pretty much it. I mean, I  
22 couldn't expect him to do anything.

23 Q. Just so I am clear, other than  
24 Mr. Guerrero, Ms. Ghobrial and Joel, did  
25 you complain to anyone else about

1 C. Washington

2 Mr. Guerrero's comments?

3 A. Not that I recall at this time.

4 Q. Do you think Mr. Guerrero's  
5 comments were based on your race?

6 A. Yes.

7 Q. Why do you think that?

8 A. His exact words, the whole aura,  
9 the way it was said to me it was meant to  
10 hurt my feelings. It was meant to  
11 discriminate against me. It was meant to  
12 bash me for my race.

13 Q. How do you know what he meant by  
14 what he said?

15 A. He made it clear to me, black  
16 people don't know about Spanish food.

17 Q. Do you think it is an accurate  
18 statement that he made?

19 A. Of course not.

20 Q. Is there any other way other than  
21 the comments that you feel that  
22 Mr. Guerrero mistreated you in any type of  
23 way?

24 A. Besides after the fact of me  
25 complaining about him getting transferred.

1 C. Washington

2 Q. Why don't you describe that to  
3 me?

4 MS. MORRISON: Objection.

5 Q. Meaning that you complained and  
6 were transferred?

7 A. After everything happened with  
8 the Spanish food, next thing you know I was  
9 transferred to another store after  
10 complaining to human resources about what I  
11 was told.

12 Q. Did anyone discuss the transfer  
13 with you?

14 A. No.

15 Q. At the time you were working for  
16 Duane Reade, which store was closer to your  
17 home, the location at 137 and Broadway or  
18 the one at 528 Broadway?

19 A. Neither one. They were like two  
20 blocks away from each other.

21 Q. So about the same, right?

22 A. Yes.

23 Q. When you were transferred, did  
24 you have the same job title?

25 A. Yes.

1 C. Washington

2 Q. Did you have the same pay?

3 A. Yes.

4 Q. Did you view the transfer as a  
5 demotion in any way?

6 A. I don't know.

7 Q. Do you view it that way now?

8 A. I mean, I had different feelings  
9 about it. That's why my answer is I don't  
10 know.

11 Q. What are those different  
12 feelings?

13 A. I mean, one way is I know I was  
14 transferred because of defending myself and  
15 actually saying something about me being  
16 discriminated against.

17 And the other is like it pretty  
18 much is a demotion, I got sent to another  
19 store to like to be treated way low, like  
20 as a person, not only to be treated way low  
21 but to be physically abused from being at  
22 that store so I would look at it as a  
23 demotion.

24 Q. Who physically abused you?

25 A. I got robbed twice in that

1 C. Washington

2 location.

3 Q. Other than the robberies, just so  
4 I am clear, you were not describing any  
5 physical abuse other than the robberies; is  
6 that correct?

7 A. Right. It is more so emotional  
8 with -- when I got transferred everything  
9 changed from where I was at at my original  
10 location.

11 Q. After you transferred, did you  
12 have any other contact with Mr. Guerrero?

13 A. Besides him speaking about me on  
14 speakerphone, no.

15 Q. What do you mean by that?

16 A. It is in the complaint. He  
17 called the new store, the phone was on  
18 speaker, he was talking to Crystal, and  
19 they were talking about me, the Black  
20 Morena that was taking over. Making jokes  
21 about me.

22 And I literally walked in and  
23 heard the whole conversation.

24 Q. How soon after you started  
25 working at the new store did that occur?



1 C. Washington

2 A. Maybe, I want to say, a few weeks  
3 in there.

4 Q. Did you say anything to Crystal  
5 or Mr. Guerrero at that time?

6 A. I couldn't. Crystal made it  
7 clear to him that I walked in, so there was  
8 nothing really left to discuss. I already  
9 heard it.

10 Q. How do you know that he was  
11 describing you?

12 A. She told him on the phone that I  
13 walked in, and the exact words were, "Is  
14 the Morena Mujer taking over?"

15 I am the only black supervisor  
16 there that they were talking about as a  
17 female.

18 Q. What did you understand what that  
19 expression means?

20 A. That means black girl.

21 Q. Do you believe that it is a  
22 racist expression?

23 A. Very.

24 Q. Why is that?

25 A. I would never describe you as a

1 C. Washington  
2 white boy. That is very racial. And I am  
3 not a black girl. My name is Ciera. My  
4 mom didn't name me Morena.

5 Q. Other than that call, did you  
6 have any other contact with Mr. Guerrero  
7 after you transferred?

8 A. No.

9 Q. Do you know if Mr. Guerrero had  
10 any role in your separation from the  
11 company?

12 A. He had a huge role.

13 Q. How is that?

14 A. Because after the robbery when I  
15 came -- when they forced me to come back to  
16 work, they transferred me back to Luis'  
17 store. After being robbed at 528, they  
18 sent me back to his store.

19 As soon as I got there, human  
20 resources was there, they made me come back  
21 to work to terminate me. As soon as I  
22 walked in, coming back to work, even though  
23 the doctor did not clear me, as soon as I  
24 walked in the door, they terminated me.

25 Q. Who told you that your employment

1 C. Washington  
2 white boy. That is very racial. And I am  
3 not a black girl. My name is Ciera. My  
4 mom didn't name me Morena.

5 Q. Other than that call, did you  
6 have any other contact with Mr. Guerrero  
7 after you transferred?

8 A. No.

9 Q. Do you know if Mr. Guerrero had  
10 any role in your separation from the  
11 company?

12 A. He had a huge role.

13 Q. How is that?

14 A. Because after the robbery when I  
15 came -- when they forced me to come back to  
16 work, they transferred me back to Luis'  
17 store. After being robbed at 528, they  
18 sent me back to his store.

19 As soon as I got there, human  
20 resources was there, they made me come back  
21 to work to terminate me. As soon as I  
22 walked in, coming back to work, even though  
23 the doctor did not clear me, as soon as I  
24 walked in the door, they terminated me.

25 Q. Who told you that your employment

1 C. Washington

2 was terminated?

3 A. I walked in. It was Luis and  
4 this guy from human resources with a suit  
5 on. And he asked about a transaction that  
6 I had nothing to do with, that was even  
7 paid back. I even showed him the receipt.  
8 And he terminated me.

9 He said they had no clue about  
10 the receipt. And I showed him everything.  
11 Luis had all the knowledge of the receipt  
12 and I was terminated.

13 Q. Do you know whose decision it was  
14 to terminate your employment?

15 A. I don't know.

16 Q. Have you come to learn any  
17 information about your termination as a  
18 result of this lawsuit?

19 A. I don't know.

20 Q. At any point, have you reviewed  
21 any transcripts of other people who have  
22 been deposed in this case?

23 A. No.

24 Q. Do you know the name of the  
25 person from HR?

1 C. Washington

2 was terminated?

3 A. I walked in. It was Luis and  
4 this guy from human resources with a suit  
5 on. And he asked about a transaction that  
6 I had nothing to do with, that was even  
7 paid back. I even showed him the receipt.  
8 And he terminated me.

9 He said they had no clue about  
10 the receipt. And I showed him everything.  
11 Luis had all the knowledge of the receipt  
12 and I was terminated.

13 Q. Do you know whose decision it was  
14 to terminate your employment?

15 A. I don't know.

16 Q. Have you come to learn any  
17 information about your termination as a  
18 result of this lawsuit?

19 A. I don't know.

20 Q. At any point, have you reviewed  
21 any transcripts of other people who have  
22 been deposed in this case?

23 A. No.

24 Q. Do you know the name of the  
25 person from HR?

1 C. Washington

2 in the computer and they were printed?

3 A. On a spreadsheet.

4 Q. Have you ever seen work schedules  
5 for Duane Reade in a format similar to what  
6 is in front of you?

7 A. Yes.

8 Q. At what time have you seen those?

9 MS. MORRISON: Objection.

10 A. When I was at work the schedule  
11 was posted.

12 Q. Would the postings of the  
13 schedule physically look like this?

14 A. Yes, every schedule looked like  
15 this the ones I did and she did. It was  
16 done the same way.

17 Q. You had an opportunity to look  
18 through these documents.

19 Please take your time.

20 My question for you is if you  
21 have any reason to believe that these are  
22 inaccurate as to the schedules for your  
23 store?

24 I will point out that while you  
25 are reviewing each document is the weekly

1 C. Washington  
2 schedule and continues for two or three  
3 pages, and all of the employees are listed  
4 in alphabetical order, so your name appears  
5 on the document somewhere on page 2 of each  
6 of these documents.

7 MS. MORRISON: I'm sorry, is  
8 there a question pending?

9 MR. WARSHAW: I asked her to  
10 review the documents and tell me if  
11 she thinks these are inaccurate as to  
12 the weekly schedules of her store.

13 MS. MORRISON: Objection.

14 A. From what I am seeing, these are  
15 not schedules I've seen at all.

16 Q. Why is that?

17 A. Because from what I am looking at  
18 is not accurate, how she used to do the  
19 schedules whatsoever.

20 Q. What is inaccurate about these  
21 documents?

22 A. The times of the opening. The  
23 times of the other people. It was never  
24 like this.

25 Q. And you would agree with me that

1 C. Washington  
2 it indicates that other individuals started  
3 working at 6:30 a.m., at least that's what  
4 these documents indicate; is that correct?

5 A. No, they started working at 7:00  
6 a.m.

7 Q. Can you turn back to the first  
8 page, if you will.

9 We have Sunday, 11/8/2015.

10 If you go to the bottom, do you  
11 see Jeffrey Nunez?

12 Do you see that?

13 A. He worked 6:30.

14 Q. If you go back to Monday and  
15 Tuesday, Miguel Brito, B.R.I.T.O., this  
16 document at least indicates a start time of  
17 6:30 a.m. for both of those days.

18 Do you see that?

19 A. Again, I was not there when  
20 Miguel was there. So I don't know how my  
21 name was added here because I wasn't  
22 present when he was there.

23 Q. Let me ask you this: What was  
24 the date, to the best of your recollection,  
25 of the first robbery incident?



1 C. Washington

2 A. Yes.

3 MS. MORRISON: Now I see it.

4 Withdraw the objection.

5 Q. And underneath that, it states,

6 "ED triage/intake by Laura Blaney,"

7 B.L.A.N.E.Y., "RN, 12/16/15 at 7:51 a.m."

8 Do you see that?

9 A. Yes.

10 Q. Do you see underneath that, it  
11 states, "PT," which I think is patient "was  
12 robbed while at work. Reports she was hit  
13 with a gun across left side of face and  
14 thrown over a chair. Left ankle pain and  
15 swelling noted along with facial pain and  
16 swelling."

17 Do you see that?

18 A. Yes.

19 Q. Do you recall reporting that to  
20 one of the nurses, that information there?

21 A. No, I don't recall. I didn't say  
22 I was thrown over the chair. I fell over  
23 the chair.

24 Q. So where it says here, "Thrown  
25 over a chair," you don't recall making

1 C. Washington

2 Q. And under "Assessment/Plan," it  
3 states, "25-year-old female with a PMH of  
4 RLE cellulitis years ago now has chronic  
5 RLE edema brought in after an assault that  
6 occurred PTA. PT or patient works at the  
7 Duane Reade at 125th Street. She was  
8 opening store by herself when she was  
9 physically assaulted. Plaintiff sustained  
10 multiple blows to the face and head with a  
11 gun. No LOC occurred. Plaintiff was  
12 pushed multiple times towards the safe and  
13 tripped over a chair twisting left ankle."

14 Did you report to Ms. Pessalano  
15 that you had suffered multiple blows to  
16 your face?

17 A. No. I told Ms. Pessalano that I  
18 was robbed at gunpoint, I was hit on my  
19 face, I hit my face on the safe when I fell  
20 over chair and I was hit with the gun.

21 Q. Do you know why she indicated  
22 that you suffered multiple blows?

23 A. No, I don't know why she did what  
24 she did. I don't know.

25 Q. Do you know why she reported you

1 C. Washington

2 were "Pushed multiple times toward the  
3 safe"?

4 A. When you say pushed, I was  
5 directed when he came in the store to the  
6 safe.

7 Q. My question is a little  
8 different.

9 Do you know why Ms. Pessalano --

10 A. No, I can't tell you why she did  
11 what she did.

12 Q. Can you turn to page 6 of this  
13 document. This is an entry by Jennifer  
14 Huang, H.U.A.N.G., on 12/16/15 at 8:22 a.m.

15 Do you see that at the top?

16 A. Yes.

17 Q. Do you see a few lines down, it  
18 states, "Hit her with the butt of a gun  
19 multiple times to the face and pushed her  
20 down into a chair"?

21 Do you see that?

22 A. Yes.

23 Q. Did you report that information  
24 to Ms. Huang?

25 A. Never said nothing about a butt

1 C. Washington

2 or was pushed down, no.

3 Q. Do you know why she indicated  
4 that on this report?

5 A. No.

6 Q. Do you see a few lines down, it  
7 states, "Periorbital,"  
8 P.E.R.I.O.R.B.I.T.A.L., "and nasal  
9 tenderness, no swelling or bruising"?

10 Do you see that?

11 A. Yes.

12 Q. At the bottom do you see it  
13 states, "CT facial bones"?

14 A. Yes.

15 Q. Do you know what a CT scan is?

16 A. A CAT scan.

17 Q. If you could turn the page again  
18 to page 7, DR 914.

19 Do you see there is another entry  
20 by someone named Catherine M. Diaz,  
21 D.I.A.Z., at 12/16/2015 at 8:08 p.m.?

22 A. Yes.

23 Q. Do you see under the narrative,  
24 it states, "Plaintiff arrived via EMS, S/P  
25 assault while working in Duane Reade.

1 C. Washington

2 Patient states she was pistol whipped to  
3 the face and in the process fell over a  
4 chair injuring her left ankle. Plus  
5 swelling noted to right periorbital. And  
6 patient states left side of face is what is  
7 hurting her the most. Incident was already  
8 reported to police who are currently here  
9 with patient. Patient is very nervous as  
10 she states assailant took her state ID with  
11 him"?

12 Do you see that?

13 A. Yes.

14 Q. Is that information that you  
15 reported to Ms. Diaz?

16 A. Yes, I never told Ms. Diaz the  
17 words pistol whipped.

18 Q. Other than that statement, is it  
19 accurate?

20 A. Yes.

21 Q. Do you know why she used the  
22 words pistol whipped?

23 A. No, I can't tell you why she did  
24 what she did.

25 Q. Do you see at the bottom of the

1 C. Washington

2 question and answer?

3 (Record read.)

4 BY MR. WARSHAW:

5 Q. Ms. Washington, turning back to  
6 18 or DR 925, do you see on several of  
7 these lines there is questions: "Is the  
8 patient pregnant?" And the answer is "No"?

9 Do you see that?

10 A. Yes.

11 Q. Is that information accurate?

12 A. No, I don't remember telling  
13 nobody none of that, so it is not accurate.

14 Q. Were you on pregnant on December  
15 16, 2015?

16 A. Yes, but I wasn't aware of it  
17 until later on.

18 Q. When did you become aware?

19 A. About -- I am not too sure about  
20 the exact date, but it was afterwards,  
21 maybe about a week or two afterwards.

22 Q. Do you know if they conducted a  
23 pregnancy test on you when you were at  
24 Mount Sinai on December 16, 2015?

25 A. No, they didn't.